

IN THE UNITED STATES DISTRICT COURT FOR THE
MIDDLE DISTRICT OF GEORGIA
MACON DIVISION

ARTHUR JACKSON,

Plaintiff,

v.

WASHINGTON STATE PRISON

et al.,

Defendants.

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No. 5:16-CV-149-CAR-MSH

ORDER ON RECOMMENDATION

Before the Court is the United States Magistrate Judge's Recommendation [Doc. 34] to grant Defendant's Motion to Dismiss Plaintiff's Complaint [Doc. 19] and deny as moot Plaintiff's motions to amend his Complaint [Docs 29 and 32]. Plaintiff has timely filed an Objection [Doc. 36] to the Recommendation and Defendants have filed a response [Doc. 37].

Having considered the Recommendation and Objection pursuant to 28 U.S.C. § 636(b)(1), the Court finds Plaintiff's Objection fails to overcome the finding that his Complaint should be dismissed without prejudice for engaging in bad faith litigiousness and abusing the judicial process. In his Objection, Plaintiff repeats the argument that his case should not be dismissed for his failure to disclose at least seven prior lawsuits on his section 1983 Complaint form due to his alleged poor memory.

Plaintiff repeats his allegations that he “has problems remember[ing] from day to day,” and again argues his poor memory should excuse any failure to disclose his prior lawsuits.¹ Plaintiff however, fails to overcome the Recommendation’s reasoning that “Plaintiff knew about his previous lawsuits but chose not to disclose them to the Court, engaging in bad faith litigiousness and abusing the judicial process.”² Indeed, Plaintiff’s reliance on a previous action he filed reaffirms the Recommendation’s conclusion that Plaintiff has engaged in bad faith litigiousness and abuse of the judicial process. Plaintiff points to the initial complaint he filed in *Jackson v. Smith*, Case No. 1:15-CV-3309 (N.D. Ga. Sept. 28, 2015), where he failed to disclose prior lawsuits, but that court offered him an opportunity to amend his complaint to allow him to list the prior lawsuits. However, that Plaintiff’s failure to disclose his prior lawsuits went unsanctioned in that case, only reaffirms that Plaintiff knew about his prior lawsuits, and the same failure to disclose those suits should not go unsanctioned here.

Therefore, after reviewing these matters *de novo*, the Court agrees with the findings and conclusions of the Magistrate Judge. Accordingly, the Recommendation [Doc. 34] is hereby **ADOPTED** and **MADE THE ORDER OF THE COURT**. Defendant’s Motion to Dismiss [Doc. 19] is **GRANTED**; Plaintiff’s Motions to Amend Complaint [Docs 29 and 32] are **DENIED as moot**; and this case is hereby **DISMISSED WITHOUT PREJUDICE**.

¹ Doc. 36, pp. 2-3.

² Doc. 37, pp. 5-6.

SO ORDERED, this 16th day of August, 2017.

S/ C. Ashley Royal
C. ASHLEY ROYAL, SENIOR JUDGE
UNITED STATES DISTRICT COURT